

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 19 – HB 933

March 14, 2017

SUMMARY OF ORIGINAL BILL: Defines “responsible party” as a person legally entitled to control the disposition or removal of the remains of a deceased person. Responsible parties include: those persons listed in Tenn. Code Ann. § 62-5-703; legally authorized individuals of an institution to which the remains of a deceased person have been donated for scientific purposes; and persons charged with making arrangements for the final disposition of a deceased person pursuant to a pre-need funeral contract.

Prohibits disposition or removal of remains of a deceased person from a place of death without authorization of a responsible party, except in the following circumstances: when required by law; for reasons of human dignity; to avoid public nuisance; or when an authorization request to dispose or remove a body has been made to the responsible party.

Requires any funeral home having custody of the remains of a dead person to transfer the remains to the funeral home selected by the responsible party and upon acceptance of the remains, reimburse the transferring funeral home for costs of merchandise and any services rendered.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004746): Deletes all language after the enacting clause. Requires any funeral home having custody of the remains of a dead person to transfer the remains to the funeral home selected by persons specified in Tenn. Code Ann. § 62-5-703 with the right of disposition. Requires the receiving funeral establishment to reimburse the transferring funeral home for costs of merchandise and any services rendered.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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Assumptions for the bill as amended:

- This bill as amended is estimated to have no significant fiscal impact on the Board of Funeral Directors and Embalmers, as this legislation primarily affects private business entities. Any fiscal impact would be borne by such private parties.
- Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-supporting over any two- year period. The Board of Funeral Directors and Embalmers experienced a deficit of \$83,161 in FY14-15, a surplus of \$258,087 in FY15-16, and a cumulative reserve balance of \$1,241,252 on June 30, 2016.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

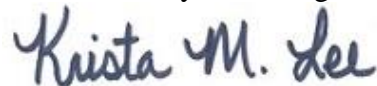
Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Any payments made by funeral homes when reimbursing other funeral homes for costs of merchandise or for services rendered are expected to offset. Therefore, any impact to the funeral home industry is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb